

**HELMER, MARTINS & MORGAN
Co., L.P.A.**

ATTORNEYS AT LAW

Fourth & Walnut Centre, Suite 1900.
105 East 4th Street
Cincinnati, Ohio 45202-4008

James B. Helmer, Jr.*
Paul B. Martins
Frederick M. Morgan, Jr.
Julie Webster Popham**
Jennifer M. Verkamp
Robert M. Rice
Donald G. Stiens, Jr.

Telephone: (513) 421-2400
Telecopier: (513) 421-7902

Of Counsel:
Robert Clark Neff, Jr.

*Also D.C. Bar
**Also KY Bar

October 15, 2003

Sent via Facsimile & U.S. Mail

Neil F. Freund, Esq.
FREUND, FREEZE & ARNOLD, LPA
One Dayton Centre
One South Main Street
Suite 1800
Dayton, Ohio 45402-2017

**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al,*
Case No. 01-CV-769 (S.D. Ohio)**

Dear Neil:

I write concerning Defendants City of Cincinnati and Thomas Streicher's Motion to Bifurcate. In your Motion, you argue that bifurcation is warranted and will promote judicial economy because a second trial against the City of Cincinnati "is almost never necessary since municipalities almost always will consent that it is responsible in the event of an adverse verdict against the officers." Dkt. 57, Motion to Bifurcate, p. 7.

Therefore, enclosed please find a Stipulation establishing that Defendant City of Cincinnati will pay any judgment or settlement rendered against the individual officers in this action. Please return the signed Stipulation within the next week, by Wednesday, October 22, 2003.

Sincerely,



Paul B. Martins

PBM:kmr
Enclosure

cc: Mark T. Tillar, Esq.
John J. Helbling, Esq.
Donald E. Hardin, Esq.
Wilson G. Weisenfelder, Jr., Esq.
Dale A. Stalf, Esq.
Ravert J. Clark, Esq.
Geri H. Geiler, Esq.

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF
ROGER D. OWENBY JR.,

Plaintiff,

V.

CITY OF CINCINNATI, ET AL.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

STIPULATION

Defendant City of Cincinnati hereby stipulates that it will fully satisfy and pay within thirty days any amount of liability, howsoever determined by way of judgment, settlement, or Court award, established against any and all of the individual defendant City of Cincinnati police officers, Robert B. Jorg, Patrick Caton, David Hunter, Darren Sellers, Jason Hodge, and/or Victor Spellman.

SO STIPULATED:

James B. Helmer, Jr. (0002878)
Paul B. Martins (0007623)
Frederick M. Morgan, Jr. (0027687)
HELMER, MARTINS & MORGAN CO., LPA
Fourth & Walnut Centre
Suite 1900
105 East Fourth Street
Cincinnati, Ohio 45202-4008
Facsimile: (513) 421-7902
Trial Attorney for Plaintiff

Neil F. Freund
Vaseem S. Hadi
FREUND, FREEZE & ARNOLD
One Dayton Centre
One South Main Street, Suite 1800
Dayton, Ohio 45402-2017
Trial Counsel for Defendants City of Cincinnati and Thomas Streicher, Jr.

Donald E. Hardin (0022095)
HARDIN, LEFTON, LAZARUS
& MARKS, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, Ohio 45202-4322
Telephone: (513) 721-7300
Facsimile: (513) 721-7008
Trial Attorney for Defendants Robert B. Jorg, Patrick Caton, Darren Sellers, Jason Hodge, and Victor Spellman

Wilson G. Weisenfelder, Jr. (0030179)
RENDIGS, FRY, KIELY & DENNIS, LLP
900 Fourth & Vine Tower
Cincinnati, Ohio 45202-3688
Telephone: (513) 381-9292
Facsimile: (513) 381-9206
Trial Attorney for Defendants City of Golf Manor, Stephen Tilley Roby Heiland, and Chris Campbell

Dale A. Stalf (0000471)
BUCKLEY, KING & BLUSO
1420 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
Telephone: (513) 412-5407
Facsimile: (513) 412-5401
Counsel for Defendants Huntington Meadows, LTD, and Bryan Menefee

Ravert J. Clark (0042027)
114 East Eighth Street
Suite 400
Cincinnati, Ohio 45202
Telephone: (513) 587-2887
Facsimile: (513) 621-2525
Trial Attorney for Defendant David Hunter